

# TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

		Application Number	10/613916-Conf. #8629
		Filing Date	July 3, 2003
		First Named Inventor	Arthur M. Krieg
		Art Unit	1645
		Examiner Name	N. M. Minnifield
Total Number of Pages in This Submission		Attorney Docket Number	C1039.70075US00

## ENCLOSURES (Check all that apply)

<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to TC
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Terminal Disclaimer	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Request for Refund	<input type="checkbox"/> Response to Restriction Requirement; Return Receipt Postcard
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> Landscape Table on CD	
<input type="checkbox"/> Reply to Missing Parts/ Incomplete Application	<input type="checkbox"/> Remarks	
<input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53		

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	WOLF, GREENFIELD & SACKS, P.C.		
Signature			
Printed name	Alan W. Steele, M.D., Ph.D.		
Date	May 22, 2006	Reg. No.	45,128

x05.21.06

### Certificate of Mailing Under 37 CFR 1.8(a)

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the U.S. Postal Service on the date shown below with sufficient postage as First Class Mail, in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Dated: May 22, 2006

Signature: (Alan W. Steele, M.D., Ph.D.)



Docket No.: C1039.70075US00  
(PATENT)

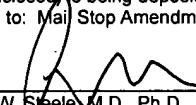
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Arthur M. Krieg et al.  
Serial No.: 10/613916  
Confirmation No.: 8629  
Filed: July 3, 2003  
For: IMMUNOSTIMULATORY NUCLEIC ACID MOLECULES  
Examiner: Nita M. Minnifield  
Art Unit: 1645

**Certificate of Mailing Under 37 CFR 1.8(a)**

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Dated: May 22, 2006

  
Alan W. Steele, M.D., Ph.D., Registration No. 45,128

**RESPONSE TO RESTRICTION REQUIREMENT**

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In response to the restriction requirement set forth in the Office Action mailed April 21, 2006, Applicant hereby provisionally elects Group I -- claims 19-36, 50-67 [sic], 81-89, and 97-105, and further elects as species *Mycobacterium M. tuberculosis* and sequence GTCGTT for continued examination. This election is made with traverse.

**Remarks**

The Examiner has required restriction between Group I -- claims 19-36, 50-67 [sic], 81-89, and 97-105, drawn to a method for treating a mycobacterial infection comprising administering an unmethylated CpG to a subject to treat or ameliorate a *Mycobacterium* bacterium infection; and Group II -- claims 37-49, 68-80, 90-96, and 106-112, drawn to a method for inducing an immune response against a *Mycobacterium* bacterium comprising administering an unmethylated CpG to a

subject to treat, prevent or ameliorate a *Mycobacterium* bacterium infection. The Examiner further required an election of species as follows: a specific *Mycobacterium* and a specific sequence for the immunostimulatory nucleic acid molecule comprising an unmethylated CpG.

Applicant in response has elected Group I and the species *Mycobacterium M. tuberculosis* and sequence GTCGTT, with traverse.

The election of Group I is made with traverse at least because a search of Group II would likely be coextensive with a search of Group I and therefore would impose no significant additional burden of searching upon the Examiner.

With respect to the election of species, claims 19-23, 25-30, 32, 33, 35, 36, 50-54, 56-61, 63, 64, 66, 67, 81-84, 86, 87, 89, 97-100, 102, 103, and 105 are believed to represent a grouping representative of the elected species. In the event the Examiner agrees to rejoin Groups I and Group II, the following additional claims are also believed to represent a grouping representative of the elected species: 37, 39-44, 46, 48, 49, 68, 70-75, 77, 79, 80, 90-92, 94, 96, 106-108, 110, and 112.

Respectfully submitted,

By   
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Alan W. Steele, M.D., Ph.D.

Registration No.: 45,128

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Federal Reserve Plaza

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Dated: Monday, May 22, 2006